

#9
MB
01/14/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mahin D. Maines)

Examiner:
D.M. Ramirez

Serial No. : 09/606,129)

Art Unit:
1652

Filed : June 28, 2000)

For : BILIVERDIN REDUCTASE FRAGMENTS)
AND VARIANTS, AND METHODS OF)
USING BILIVERDIN REDUCTASE AND)
SUCH FRAGMENTS AND VARIANTS)

RECEIVED

JAN 09 2002

TECH CENTER 1600/2900



RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231


Dear Sir:

In response to the September 21, 2001, written restriction requirement, applicant hereby elects Group I (i.e., claims 1-9) with traverse.

Applicant traverses the restriction requirement on the basis that the claims of the present application are closely related and, therefore, require common areas of search and consideration. That the search of multiple groups of invention—as identified in the written restriction requirement—can be conducted without serious burden to the U.S. Patent and Trademark Office ("PTO") is evident given the proposed classifications. The PTO has classified each of Groups I-XI prospectively in class 435, subclass 25. Thus, the PTO can conduct an examination of Groups I-XI by searching a single primary class/subclass. Since no serious burden exists for search and examination of Groups I-XI, no benefit is derived from imposing restriction among Groups I-XI. Therefore, the restriction requirement should be withdrawn at least in part.

Respectfully submitted,

Date: November 5, 2001


Edwin V. Merkel
Registration No. 40,087

Nixon Peabody LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603
Telephone: (716) 263-1128
Facsimile: (716) 263-1600

| Certificate of Mailing - 37 CFR 1.8(a) | |
|--|--------------------------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below. | |
| Date 11/6/01 | Wendy L. Harrold Wendy L. Harrold |